

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION**

Amy R. Stabler,

Plaintiff,

vs.

Wesley Commons,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, GREENWOOD DIVISION; THE COURT OF COMMON PLEAS FOR GREENWOOD COUNTY, SOUTH CAROLINA; AND ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT the above-captioned matter, originally filed in the Court of Common Pleas of Greenwood County, South Carolina, Civil Action No. 2012-CP-24-00942, has been removed to the United States District Court for the District of South Carolina, Greenwood Division, pursuant to 28 U.S.C. §§ 1331, 1446(b), and 1367, and in accordance with Local Rule 83.IV.01, on the following grounds:

1. The above-captioned civil action was commenced by Plaintiff Amy Stabler ("Plaintiff") by the filing of a Complaint in the Court of Common Pleas for Greenwood County, South Carolina, on August 16, 2012. The undersigned represents Defendant Wesley Commons ("Defendant"). Defendant is incorporated in South Carolina and has its principal place of business in Greenwood, South Carolina.

2. This Notice of Removal is filed within thirty (30) days of receipt of the Complaint by Defendant pursuant to 28 U.S.C. § 1446(b).

3. Plaintiff's Complaint asserts three causes of action against Defendant, including

alleged violation of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §§ 1001, *et seq.*

5. This Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331, 29 U.S.C. § 1132(e), and 28 U.S.C. 1367(a), among other sources of law. As an action of a civil nature founded on a claim or right arising under the laws of the United States, this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a)-(c).

6. Defendant is providing the Greenwood County Clerk of Court with a copy of this Notice of Removal.

7. Defendant is enclosing as Exhibit A a copy of all process, pleadings, and orders served upon Defendant in this action.

WHEREFORE, Defendant Wesley Commons requests that this Court accept this Notice of Removal and undertake jurisdiction in the above-captioned action now pending in the Court of Common Pleas for Greenwood County, South Carolina, that the same be removed to this Court, and that all proceedings in this case in the Court of Common Pleas for Greenwood County, South Carolina, be dismissed.

s/Nikole Setzler Mergo

Nikole Setzler Mergo (Fed. ID No. 7410)

NMergo@nexsenpruet.com

NEXSEN PRUET, LLC

1230 Main Street, Suite 700 (29201)

Post Office Drawer 2426

Columbia, SC 29202

PHONE: (803) 540-2042

FACSIMILE: (803) 253-8277

Attorney for Defendant Wesley Commons

September 20, 2012
Columbia, South Carolina

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION**

Amy R. Stabler,

Plaintiff,

vs.

Wesley Commons,

Defendant.

Civil Action No. _____

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Notice of Removal has been served upon the following by causing the same to be deposited into the U.S. Mail to the following as shown below this 20th day of September 2012:

Brian E. Arnold, Esq.
The Arnold Law Firm
1314 E. Washington Street
Greenville, S.C. 29607

s/Nikole Setzler Mergo
Nikole Setzler Mergo (Fed. ID No. 7410)
NMergo@nexsenpruet.com
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
PHONE: (803) 540-2042
FACSIMILE: (803) 253-8277

Attorney for Defendant
Wesley Commons